

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

3 UNITED STATES OF AMERICA            )     CASE NOS. 1:13CR337-1  
  )                   1:14CR4-1  
4                   vs.                    )  
  )     Winston-Salem, North Carolina  
5 IDER VAZQUEZ MATOS                 )     January 23, 2014  
  )     11:08 a.m.  
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8                   TRANSCRIPT OF THE **CHANGE OF PLEA HEARING**  
9                   BEFORE THE HONORABLE THOMAS D. SCHROEDER  
                                 UNITED STATES DISTRICT JUDGE

10  
11 APPEARANCES:

12 For the Government:           SANDRA HAIRSTON, AUSA  
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14  
15 For the Defendant:           ROBERT A. BROADIE, ESQ.  
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17  
18 Court Reporter:               BRIANA NESBIT, RPR  
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20  
21 Interpreter:                 DR. ERNEST LUNSFORD  
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23  
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25                   Proceedings recorded by mechanical stenotype reporter.  
                         Transcript produced by computer-aided transcription.

## P R O C E E D I N G S

(The Defendant was present.)

**THE COURT:** Good morning Ms. Hairston.

**MS. HAIRSTON:** Your Honor, we will call the United States of America versus Ider Vazquez Matos in Cases 1:13CR337-1 and 1:14CR4-1. Mr. Vazquez is represented by Mr. Robert Broadie. Dr. Lunsford is present as the interpreter. A written plea agreement has been filed in this case, Your Honor -- in these cases, rather.

**THE COURT:** Thank you. Dr. Lunsford, good morning to you.

**THE INTERPRETER:** Good morning, Your Honor.

**THE COURT:** If you would, Ms. Solomon, let's administer the oath to Dr. Lunsford.

(The Interpreter was sworn.)

**THE COURT:** Mr. Broadie, good morning to you.

**MR. BROADIE:** Good morning, Your Honor.

**THE COURT:** Mr. Matos, good morning to you, too, sir. Are you ready to proceed, Mr. Broadie?

**MR. BROADIE:** I am, Your Honor.

**THE COURT:** I think the first matter of business is we have an information in one of these cases. It's 1:14CR4-1, I believe; is that correct?

**MR. BROADIE:** That's correct, Your Honor.

**THE COURT:** Do you have a waiver of indictment?

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1           **MR. BROADIE:** I do, Your Honor.

2           **THE COURT:** Has that been executed yet?

3           **MR. BROADIE:** Your Honor, it has not. It's always  
4 been my practice -- I thought the Court would have my client do  
5 it in open court.

6           **THE COURT:** All right. We'll do that in just a  
7 minute. Let me go ahead and handle a few preliminary matters,  
8 and then we'll administer the oath to your client and then  
9 we'll proceed from there.

10           Have you had sufficient time, Mr. Broadie, to review  
11 the file in this case?

12           **MR. BROADIE:** I have, Your Honor.

13           **THE COURT:** And I should say in both of these cases.

14           **MR. BROADIE:** Yes, sir.

15           **THE COURT:** Do you believe that the defendant  
16 understands the charges that are pending against him and the  
17 nature of our hearing here today?

18           **MR. BROADIE:** I do, Your Honor.

19           **THE COURT:** Does he wish to enter a plea of guilty?

20           **MR. BROADIE:** He does, Your Honor.

21           **THE COURT:** My understanding is he is intending to  
22 plead guilty to Count One, Object One, of the superseding  
23 indictment and also to plead guilty to an information; is that  
24 correct?

25           **MR. BROADIE:** That is correct, sir.

1           **THE COURT:** Did anybody make any threats or promises  
2 to induce the plea other than those that are contained in the  
3 plea agreement?

4           **MR. BROADIE:** No, Your Honor.

5           **THE COURT:** Do you recommend that I accept it?

6           **MR. BROADIE:** I do, sir.

7           **THE COURT:** Based on your representation of  
8 Mr. Matos, is it your brief that he is offering his plea here  
9 today knowingly and voluntarily?

10          **MR. BROADIE:** It is, Your Honor.

11          **THE COURT:** Thank you. Ms. Solomon, please  
12 administer the oath to Mr. Matos.

13          (The defendant was duly sworn.)

14          **THE COURT:** Mr. Matos, do you understand you are now  
15 under oath and, if you answer any of my questions falsely, your  
16 answers may later be used against you in another prosecution  
17 for perjury or for making a false statement?

18          **THE DEFENDANT:** Yes.

19          **THE COURT:** What is your full name, please?

20          **THE DEFENDANT:** Ider Vazquez Matos.

21          **THE COURT:** How old are you, sir?

22          **THE DEFENDANT:** Fifty-one.

23          **THE COURT:** How far did you attend in school?

24          **THE DEFENDANT:** Through university.

25          **THE COURT:** Can you read and understand English?

1           **THE DEFENDANT:** I can speak it a little bit but read  
2 very little.

3           **THE COURT:** All right. Have you had the superseding  
4 indictment against you translated for you in your native  
5 language?

6           **THE DEFENDANT:** It wasn't translated, but I have  
7 discussed it with my lawyer. I took it with me, and I went  
8 through it with some people who helped me, and I also looked up  
9 some of the terminology. And, yes, I was able to understand  
10 it.

11           I want you to understand that this is the first time  
12 that I've ever been in this sort of situation. It's very  
13 difficult to understand it all, but the most important thing  
14 is, yes, I did understand it, and I accept the responsibility.

15           **THE COURT:** All right. So you have had the  
16 superseding indictment translated for you in your native  
17 language through either an interpreter or other people working  
18 with you; is that correct?

19           **THE DEFENDANT:** No, not interpreters, but people who  
20 speak both English and Spanish.

21           **THE COURT:** All right. Have you satisfied yourself  
22 that you have fully read the superseding indictment with the  
23 aid of persons who could translate it for you?

24           **THE DEFENDANT:** The superseding one is the second  
25 document?

1           **THE COURT:** It is the most current indictment.

2           **THE DEFENDANT:** The most current one, yes.

3           **THE COURT:** All right. Have you had your plea  
4 agreement translated for you in your native language?

5           **THE DEFENDANT:** It hasn't been translated in written  
6 form, but, yes, I have read it.

7           **THE COURT:** All right. Has it been translated in  
8 verbal form for you?

9           **THE DEFENDANT:** Yes, Your Honor.

10          **THE COURT:** And were you able to fully understand  
11 your plea agreement when it was translated for you?

12          **THE DEFENDANT:** Yes.

13          **THE COURT:** All right. Have you been treated  
14 recently for any addiction to a narcotic drug?

15          **THE DEFENDANT:** No, Your Honor.

16          **THE COURT:** Have you been treated recently for any  
17 mental illness?

18          **THE DEFENDANT:** No, Your Honor.

19          **THE COURT:** And you do not appear to me to be under  
20 the influence of any substance, and I do know you have been in  
21 custody, but I must ask you whether you are currently under the  
22 influence of any alcoholic beverage, any drug, or any  
23 medication?

24          **THE DEFENDANT:** No, Your Honor.

25          **THE COURT:** All right. Now, do you have a copy of

1 the waiver of indictment, Mr. Broadie?

2 **MR. BROADIE:** I do, Your Honor.

3 **THE COURT:** All right. If you would present that to  
4 your client and have him execute that if he wishes, and then I  
5 will ask him some questions about that.

6 (Pause in the proceedings.)

7 **MR. BROADIE:** He has executed it.

8 **THE COURT:** All right. If you would hand that up,  
9 please.

10 Mr. Matos, I have before me a document entitled  
11 "Waiver of an Indictment." It appears to bear your signature.  
12 Did you just now sign this document?

13 **THE DEFENDANT:** Yes, Your Honor.

14 **THE COURT:** And did you have the document translated  
15 for you before you signed it so that you could fully understand  
16 it?

17 **THE DEFENDANT:** Yes, Your Honor.

18 **THE COURT:** Do you understand that you have two  
19 different cases that are before you at this time? One is this  
20 case in which there is a superseding indictment, that is, Case  
21 1:13CR337-1, and the other is a case where there is a bill of  
22 information, that is, Case Number 1:14CR4-1. Do you understand  
23 that, sir?

24 **THE DEFENDANT:** Yes, Your Honor.

25 **THE COURT:** Now, do you understand that in the Case

1 1:14CR4-1 that the government is proceeding at this time with  
2 what is known as a bill of information, which is a charge by  
3 the prosecutor? Do you know that?

4 **THE DEFENDANT:** Yes, Your Honor.

5 **THE COURT:** Do you understand that in the bill of  
6 information you are being accused of a crime, that is, a  
7 violation of Title 31 of the U.S. Code, Section 5332(a)(1) and  
8 Title 18 of the U.S. Code, Section 2? Do you understand that?

9 **THE DEFENDANT:** Yes, Your Honor.

10 **THE COURT:** Do you understand that the crime charged  
11 in the bill of information carries a potential term of  
12 imprisonment for more than a year?

13 **THE DEFENDANT:** Yes, Your Honor.

14 **THE COURT:** Do you understand that you have the right  
15 to demand that the government proceed to a grand jury and  
16 present its case to a grand jury and ask the grand jury whether  
17 or not it determines there is probable cause to return an  
18 indictment against you? Do you understand that you have that  
19 right if you wish to enforce it?

20 **THE DEFENDANT:** Yes, Your Honor, I do understand.  
21 Yes, I told the prosecuting attorney that I was the one who did  
22 that.

23 **THE COURT:** All right. Well, my question here is  
24 just a little different. You have executed a document, which  
25 is -- purports to waive your right to force the government to

1 proceed with an indictment and, instead, to allow the  
2 government to proceed at this time with a bill of information.

3 My question is do you understand that you do have the  
4 right, if you wish to enforce it, to require the government to  
5 go to a grand jury with the charge that's in the bill of  
6 information to ask the grand jury whether or not it determines  
7 there is probable cause to return an indictment? Do you  
8 understand that?

9 **THE DEFENDANT:** Yes, Your Honor.

10 **THE COURT:** And do you understand that by executing  
11 the waiver of indictment, you are waiving your right to require  
12 the government to proceed first to a grand jury to see if it  
13 will return an indictment?

14 **THE DEFENDANT:** Yes, Your Honor.

15 **THE COURT:** Have you discussed with Mr. Broadie the  
16 merits of whether you should waive or not waive your right to  
17 an indictment?

18 **THE DEFENDANT:** Yes, I have discussed it.

19 **THE COURT:** And are you waiving your right to  
20 prosecution by an indictment and consenting instead to  
21 prosecution by the bill of information?

22 **THE DEFENDANT:** Yes, Your Honor.

23 **THE COURT:** All right. I will find that the waiver  
24 of indictment is knowingly and voluntarily made.

25 **THE DEFENDANT:** Yes.

1           **THE COURT:** Did anybody force you to sign the waiver  
2 of indictment?

3           **THE DEFENDANT:** No, not at all.

4           **THE COURT:** All right. Did you receive a copy of the  
5 superseding indictment that is pending against you?

6           **THE DEFENDANT:** The copy? Oh, yes, yes.

7           **THE COURT:** Did you receive a copy of the bill of  
8 information that's pending against you?

9           **THE DEFENDANT:** Yes, I have a copy here of the last  
10 document.

11           **THE COURT:** All right. You might, Dr. Lunsford, take  
12 the microphone and perhaps bend it toward you instead of  
13 Mr. Matos because it's more important that I hear your  
14 translation as we go forward today.

15           Mr. Broadie, if you could put before Mr. Matos a copy  
16 of the superseding indictment and the bill of information.

17           And, Mr. Matos, I am going to ask you, now that  
18 Mr. Broadie has put before you a copy of the superseding  
19 indictment and the bill of information, have you received a  
20 copy of each of those?

21           **THE DEFENDANT:** Yes, I have them in front of me right  
22 now.

23           **THE COURT:** All right. And have you read both of  
24 those with your attorney?

25           **THE DEFENDANT:** Yes.

1           **THE COURT:** Do you understand the superseding  
2 indictment and the bill of information and the charges that are  
3 pending against you?

4           **THE DEFENDANT:** Yes.

5           **THE COURT:** Have you fully discussed the charges  
6 contained in the superseding indictment and the bill of  
7 information as well as your case in general with your attorney?

8           **THE DEFENDANT:** Yes, he has visited me on several  
9 occasions.

10          **THE COURT:** Have you had sufficient time to speak  
11 with your attorney about your cases?

12          **THE DEFENDANT:** Yes.

13          **THE COURT:** Are you satisfied that you have fully  
14 explored all the options available to you in your cases with  
15 your attorney?

16          **THE DEFENDANT:** I don't have very much legal  
17 knowledge, but I have talked with him quite a bit about my  
18 case.

19          **THE COURT:** And my question is are you satisfied that  
20 you have explored all of your options up to this point in time?

21          **THE DEFENDANT:** Yes, Your Honor.

22          **THE COURT:** Are you fully satisfied with the services  
23 that Mr. Broadie has provided as your attorney and the advice  
24 that he has given you in your cases?

25          **THE DEFENDANT:** Yes.

1           **THE COURT:** All right. Now, I have a written plea  
2 agreement. Do you have a copy, Mr. Broadie?

3           **MR. BROADIE:** I do, Your Honor.

4           **THE COURT:** Would you turn to the last page, please,  
5 sir.

6           Mr. Matos, Mr. Broadie has put before you a copy of  
7 your plea agreement that's dated today. Is that your signature  
8 on page 8?

9           **THE DEFENDANT:** Yes, Your Honor.

10          **THE COURT:** Did you read and fully understand this  
11 document with the aid of an interpreter before you decided to  
12 sign it?

13          **THE DEFENDANT:** Yes, Your Honor.

14          **THE COURT:** At this time I am going to ask  
15 Mr. Broadie to review the key terms of your plea agreement with  
16 all of us. Please listen carefully, Mr. Matos. When  
17 Mr. Broadie finishes, I am going to turn back to you and ask  
18 you whether or not you agree with what he says about your plea  
19 agreement. My goal is to make a determination of whether I  
20 believe you understand your plea agreement, and I will ask you  
21 some questions about that. So please listen carefully.

22          Mr. Broadie, if you would do that for us, please.

23          **MR. BROADIE:** Thank you, Your Honor.

24          Your Honor, Mr. Matos is pleading guilty to Object  
25 One of Count One in the superseding indictment as well as the

1 information that has just been filed before the Court,  
2 understanding that the statutory sentences for Object One,  
3 Count One of the indictment is a term of imprisonment of not  
4 less than 10 years and no more than life, or a fine not  
5 exceeding \$10 million or both.

6           Your Honor, he understands that a term for Count One,  
7 Object One, of supervised release may also be imposed in this  
8 matter, Your Honor. Additionally, he understands that the  
9 maximum term of imprisonment for the information is not more  
10 than 5 years and no more than a 250,000-dollar fine or both or  
11 twice the pecuniary gain loss by anyone.

12           He also understands that, Your Honor, if he is not a  
13 citizen of the United States that entering this plea may have  
14 adverse consequences to him with respect to his immigration  
15 status.

16           He also understands that he's pleading guilty because  
17 he is, in fact, guilty and no one has threatened him to enter  
18 that. He also has been advised of his rights to a criminal  
19 trial in this matter; and, additionally, Your Honor, he also  
20 understands that he's subject to a 100-dollar special  
21 assessment, and if the Court finds that he otherwise is  
22 applicable for a three-point decrease pursuant to the statute,  
23 he may be considered for that, understanding that the one point  
24 is at the Court's discretion pursuant to a recommendation made  
25 by the United States attorney.

1 I think, Your Honor, that will sum up the general  
2 terms of the plea agreement.

3 **THE COURT:** And I think the plea agreement, paragraph  
4 3(a), provides for a term of supervised release of not less  
5 than 5 years as to Count One, Object One, and not more than 3  
6 years as to the information; is that correct?

7 **MR. BROADIE:** That is correct, Your Honor.

8 **THE COURT:** All right. Does the plea agreement  
9 contain all the terms and conditions of your agreement with the  
10 government on behalf of your client in this case?

11 **MR. BROADIE:** It does, Your Honor.

12 **THE COURT:** Thank you. Mr. Matos, you've now heard  
13 Mr. Broadie review the principal terms of your plea agreement.  
14 Is that, in fact, your understanding of your plea agreement?

15 **THE DEFENDANT:** Yes, Your Honor.

16 **THE COURT:** Do you understand the terms of your plea  
17 agreement?

18 **THE DEFENDANT:** Yes, Your Honor.

19 **THE COURT:** Does your plea agreement represent the  
20 entire agreement between you and the government in these two  
21 cases?

22 **THE DEFENDANT:** Yes, Your Honor.

23 **THE COURT:** Have you had sufficient opportunity to  
24 read the plea agreement and to discuss it with your attorney?

25 **THE DEFENDANT:** Yes, Your Honor.

1           **THE COURT:** Do you have any questions at this time  
2 either for Mr. Broadie, and you can speak with him privately,  
3 if you need to, or for me about any portion of your plea  
4 agreement?

5           **THE DEFENDANT:** No, Your Honor. I would just like to  
6 thank you for giving me this chance.

7           **THE COURT:** Do you understand that in your plea  
8 agreement the government has agreed to make a recommendation to  
9 the Court in paragraph 6(c). The recommendation is that if you  
10 qualify for what is known as acceptance of responsibility and  
11 if your offense level, as we calculate it under the U.S.  
12 Sentencing Guidelines, is 16 or greater, then in that case the  
13 government will recommend to the Court an additional one-level  
14 decrease in the calculation of your offense level?

15           **THE DEFENDANT:** Yes, Your Honor.

16           **THE COURT:** Do you understand that is only a  
17 recommendation that the Court is not bound to follow?

18           **THE DEFENDANT:** Yes, Your Honor.

19           **THE COURT:** Do you understand that if the Court were  
20 to reject the recommendation, that it could do that without  
21 permitting you to withdraw your plea?

22           **THE DEFENDANT:** Yes, Your Honor.

23           **THE COURT:** If the Court were to do that, do you  
24 understand that it could impose a sentence that may be more  
25 severe than you may have hoped for?

1           **THE DEFENDANT:** Yes, I understand that.

2           **THE COURT:** Has anybody made any threats or promises  
3 to you other than those that are contained in your plea  
4 agreement in an effort to persuade you to plead guilty here  
5 today?

6           **THE DEFENDANT:** No, Your Honor.

7           **THE COURT:** Did anybody in any way attempt to force  
8 you to plead guilty against your own wish?

9           **THE DEFENDANT:** No, Your Honor.

10          **THE COURT:** Do you understand that as a result of  
11 your guilty plea, you may be deported from the United States?

12          **THE DEFENDANT:** Yes, Your Honor.

13          **THE COURT:** It is my understanding the defendant is  
14 not a citizen of the United States; is that correct?

15          **MR. BROADIE:** That is. Your Honor, he has a --

16          **THE DEFENDANT:** Yes, I'm a political refugee.

17          **MS. HAIRSTON:** He is Cuban born, Your Honor.

18          **THE COURT:** I just wanted to make sure about the  
19 advising of other rights.

20                 Mr. Matos, I want to review with you now the maximum  
21 penalties that are provided for in your case if I accept your  
22 plea. You are pleading guilty to Count One, Object One, of the  
23 superseding indictment and the bill of information. As to  
24 Count One, Object One, of the superseding indictment, which  
25 charges a conspiracy to commit a drug offense, the maximum

1 penalties are as follows:

2           A period of imprisonment for not less than 10 years,  
3 that is, there is a mandatory minimum of 10 years of  
4 imprisonment, up to a maximum of life; a fine of not more than  
5 \$10 million, or twice the gross gain or loss caused by the  
6 violation, whichever is larger; a period of supervised release  
7 of not less than 5 years -- in other words, there is a  
8 mandatory minimum period of supervised release of 5 years -- up  
9 to a maximum of life; the Court can order forfeiture, the  
10 payment of restitution; there is a special assessment of \$100;  
11 and there is no probation or suspended sentence.

12           Do you understand those penalties as to that charge?

13           **THE DEFENDANT:** Yes, Your Honor.

14           **THE COURT:** Now, as to the bill of information, which  
15 charges bulk cash smuggling in violation of Title 31 of the  
16 U.S. Code, Section 5332, and aiding and abetting, the maximum  
17 penalties are imprisonment for not more than 5 years, a fine of  
18 not more than \$250,000, or twice the gross gain or loss,  
19 whichever is larger, a period of supervised release of not more  
20 than one year, the Court can order forfeiture of property  
21 involved in the offense and any property traceable to that  
22 property, and the count also carries a special assessment of  
23 \$100.

24           Do you understand those penalties as to the bill of  
25 information?

1           **THE DEFENDANT:** Yes, Your Honor.

2           **THE COURT:** Now, do you understand that with respect  
3 to the penalty of supervised release that I mentioned in both  
4 of those charges, that following any term of imprisonment, you  
5 will be placed on a period of supervision by the Court; and if  
6 you violate any condition of your supervision, you can be sent  
7 back to prison for a period of time?

8           **THE DEFENDANT:** Yes, I understand, Your Honor.

9           **THE COURT:** Do you understand all of the possible  
10 penalties and consequences of your plea of guilty today?

11          **THE DEFENDANT:** Yes, I understand them.

12          **THE COURT:** Now, I have just described to you the  
13 various penalties that can be imposed in your case. It will be  
14 up to the Court to determine your sentence, which will occur at  
15 a later date.

16               Under the United States Sentencing Reform Act of  
17 1984, the U.S. Sentencing Commission has created what are known  
18 as sentencing guidelines and policy statements that the Court  
19 must consider when it does determine your sentence. Do you  
20 understand that?

21          **THE DEFENDANT:** Yes, Your Honor.

22          **THE COURT:** I cannot determine your sentencing  
23 guideline range until the U.S. probation office prepares a  
24 written report, called a presentence report, in your case. Do  
25 you understand that?

1           **THE DEFENDANT:** Yes, Your Honor.

2           **THE COURT:** Once the report is prepared, you will  
3 have the opportunity to review it with Mr. Broadie, and you can  
4 lodge any objection you may have to the report, including any  
5 objection you may have to the calculation of the U.S.  
6 sentencing guideline range that is recommended by the probation  
7 office? Do you understand that?

8           **THE DEFENDANT:** Yes, Your Honor.

9           **THE COURT:** Do you understand that the sentencing  
10 guideline range that the Court adopts for your case at your  
11 sentencing hearing may be different from any guideline range  
12 that Mr. Broadie, or anyone else, may have suggested to you?

13          **THE DEFENDANT:** Yes, Your Honor.

14          **THE COURT:** Do you also understand that the sentence  
15 the Court imposes at your sentencing may be different from any  
16 estimate that Mr. Broadie, or anybody else, may have provided  
17 to you?

18          **THE DEFENDANT:** Yes, Your Honor.

19          **THE COURT:** Do you understand that once the Court  
20 determines your guideline range at sentencing, it is not  
21 required to follow it because the guidelines are not binding on  
22 the Court; rather, the Court must consider the guideline range,  
23 along with all the sentencing factors in Title 18 of the U.S.  
24 Code in Section 3553(a), when the Court determines your  
25 sentence? Do you understand?

1           **THE DEFENDANT:** Yes, Your Honor.

2           **THE COURT:** Do you understand that the Court does  
3 have the authority to impose a sentence that is more severe or  
4 less severe than the sentence that the guidelines recommends?

5           **THE DEFENDANT:** Yes, Your Honor.

6           **THE COURT:** Do you understand that parole has been  
7 abolished in the U.S. prison system; so if you are sentenced to  
8 prison, you will not be released on parole?

9           **THE DEFENDANT:** Yes, I do understand.

10          **THE COURT:** Do you understand that you or the  
11 government may have the right to appeal any sentence imposed in  
12 your case?

13          **THE DEFENDANT:** Yes, Your Honor.

14          **THE COURT:** Let me review with you now, Mr. Matos,  
15 your rights that you presently enjoy under the United States  
16 Constitution.

17               As you stand before the Court, as you are at this  
18 time, and before I accept any plea that you may offer, you  
19 enjoy the right to plead not guilty to any or all of the  
20 charges that are pending against you.

21               You have the right to demand -- rather, you have the  
22 right to persist as well in your plea of not guilty. You have  
23 the right also to demand that your case be tried by a jury. At  
24 any trial, you would be presumed to be innocent, and the  
25 government would bear the burden of proving your guilt beyond a

1 reasonable doubt. That means that the government must prove  
2 each and every element of each of the crimes you are charged  
3 with beyond a reasonable doubt before you could be found guilty  
4 of that crime.

5 Do you understand?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** You also have the right to the assistance  
8 of a lawyer and, if necessary, to have the Court appoint a  
9 lawyer at trial and at every other stage of the proceedings  
10 against you. You have the right to see and hear all of the  
11 witnesses, you have the right to confront them, and you or  
12 Mr. Broadie would have the right to cross-examine the  
13 witnesses.

14 Do you understand?

15 **THE DEFENDANT:** Yes, Your Honor.

16 **THE COURT:** You also have the right under our  
17 constitution to testify in your own defense, if you chose to.  
18 However, nobody can force you to testify. You have the right  
19 to remain silent. If you choose not to testify, your refusal  
20 will never be held against you.

21 Do you understand those rights?

22 **THE DEFENDANT:** Yes, Your Honor.

23 **THE COURT:** You also have the right to present  
24 evidence, and you can issue subpoenas from the Court, which  
25 would require witnesses to attend to testify in your defense.

1 However, if you did not present any evidence at all, that fact  
2 cannot be held against you.

3 Do you understand all of those rights?

4 **THE DEFENDANT:** Yes, Your Honor.

5 **THE COURT:** Do you also understand that once you  
6 enter a plea of guilty and I accept it, then there will be no  
7 trial in your case, and you will have given up, not only your  
8 right to a trial, but all the other rights that go along with a  
9 trial I have just reviewed with you?

10 **THE DEFENDANT:** Yes, Your Honor.

11 **THE COURT:** Do you understand that if I do accept  
12 your plea of guilty, it is highly unlikely that the decision  
13 will ever be reversed?

14 **THE DEFENDANT:** Yes.

15 **THE COURT:** Now, at this time I want to review with  
16 you the elements of the charges to which you are intending to  
17 plead guilty.

18 If you were to require the government to proceed with  
19 a trial in this case, it would be required to prove the  
20 following elements of these offenses beyond a reasonable doubt  
21 to a jury of 12. All 12 would have to agree as to each and  
22 every element before you could be found guilty. That's the  
23 burden that the government bears. So at this time I want to  
24 review with you the elements of the offense.

25 In the superseding indictment in Count One, Object

1 One, the government charges and would be required to prove the  
2 following beyond a reasonable doubt:

3           That from in or about 2009, continuing up to and  
4 including in or about 2011, you conspired to commit a drug  
5 offense where two or more persons reached an agreement to  
6 undertake conduct that would constitute the offense. That is,  
7 to knowingly or intentionally distribute 5 kilograms or more of  
8 a mixture and substance containing a detectable amount of  
9 cocaine hydrochloride, a Schedule II controlled substance  
10 within the meaning of Title 21, United States Code, Section  
11 812, in violation of Title 21, United States, Section  
12 841(a)(1).

13           The government must also prove beyond a reasonable  
14 doubt that you knew of the conspiracy and that you knowingly  
15 and voluntarily participated in it.

16           As to the bill of information, the government charges  
17 a violation of Title 31, United States Code, Section  
18 5332(a)(1), and the government would be required to prove the  
19 following beyond a reasonable doubt:

20           That from in or about 2010, you transported into or  
21 out of the United States, that is, the government charges from  
22 the United States to Mexico, more than \$10,000 in currency or  
23 other monetary instruments. The government charges here  
24 approximately \$1 million in U.S. currency. The government must  
25 also prove that you knowingly concealed the currency --

1           **THE DEFENDANT:** No.

2           **THE COURT:** -- or monetary instruments on your  
3 person, in a conveyance, article of luggage, merchandise, or  
4 other container. Here, the government charges in a  
5 semi-tractor-trailer truck, and the government must prove that  
6 you intended to evade a currency reporting requirement under  
7 Section 5316, Title 31, of the U.S. Code.

8           **MS. HAIRSTON:** Your Honor, I think the actual  
9 information that has been filed removed the reference to the  
10 specific amount of \$1 million. We simply allege that the  
11 defendant -- that it was an amount in excess of \$10,000.

12           And also, Your Honor, our theory as to this offense  
13 is that the defendant aided and abetted this offense under 18  
14 U.S.C. Section 2.

15           **THE COURT:** All right. Let me read the elements  
16 again because -- as to the bill of information because the  
17 government has clarified something. The government would be  
18 required to prove the following:

19           From in or about 2010, you transported into or out of  
20 the United States, and the government charges that you  
21 transported from the United States to Mexico, more than \$10,000  
22 in currency or other monetary instruments. The government must  
23 prove that you knowingly concealed the currency or monetary  
24 instruments on your person, in a conveyance, article of  
25 luggage, merchandise, or other container, that is, in a

1 semi-tractor-trailer truck, and that you intended to evade the  
2 currency reporting requirement under 5316.

3           The government does charge as well aiding and  
4 abetting under Section 2 of Title 18. To prove that, the  
5 government must prove that you aided, abetted, counseled,  
6 commanded, induced, or procured the commission of the offense I  
7 just described, or that you willfully caused an act to be done,  
8 which, if it was directly performed by you or someone else,  
9 would constitute the above-described offense.

10           Do you understand the elements of each of these  
11 offenses as I've read them to you now, Mr. Matos?

12           **THE DEFENDANT:** Yes, I understand how you described  
13 them, but I just had a transportation company, and I don't have  
14 any control over what people send. They would give me  
15 furniture, TV, a car. They'd pay me, and I take it.

16           **THE COURT:** All right.

17           (Mr. Broadie conferred with the defendant.)

18           **THE DEFENDANT:** Okay. Now I understand.

19           **THE COURT:** All right. Let me back up. Do you  
20 understand the elements of Count One, Object One, that is, the  
21 conspiracy to distribute 5 kilograms or more of cocaine?

22           **THE DEFENDANT:** Yes.

23           **THE COURT:** Do you understand the elements of the  
24 bill of information, that is, bulk cash smuggling, and the  
25 charge of aiding and abetting that offense under Section 2 of

1 Title 18 of the U.S. Code?

2 **THE DEFENDANT:** Yes, I do understand. Yes, I do  
3 understand.

4 **THE COURT:** All right. And how do you plead to each  
5 of these offenses?

6 **THE DEFENDANT:** Guilty.

7 **THE COURT:** To be clear, as to Count One, Object One,  
8 of the indictment, how are you pleading?

9 **THE DEFENDANT:** Guilty.

10 **THE COURT:** As to the bill of information, how are  
11 you pleading?

12 **THE DEFENDANT:** On this charge, I didn't have any  
13 control over it, but I am guilty because I did carry those  
14 things.

15 **THE COURT:** Mr. Matos, it's not clear to me by what  
16 you are telling me what you mean. So I am going to ask you, as  
17 to the bill of information, a few more questions.

18 The bill of information charges aiding and abetting  
19 bulk cash smuggling in the United States. Do you understand  
20 that, sir?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** And the offense of bulk cash smuggling  
23 has as its elements that from in or about 2010 you or someone  
24 transported in and out of the United States more than \$10,000  
25 in currency and that the person who did that knowingly

1 concealed the currency or monetary instruments on his or her  
2 person, in a conveyance, article of luggage, merchandise, or  
3 other container. The government charges here it was in a  
4 semi-tractor-trailer truck, and that the person intended to  
5 evade a currency reporting requirement under Section 5316.

6 Do you understand those elements?

7 **THE DEFENDANT:** Oh, yes, yes, I understand that.

8 **THE COURT:** Now, the government charges you with  
9 aiding and abetting that offense. To prove that, the  
10 government would be required to prove beyond a reasonable doubt  
11 to 12 jurors that you aided that offense, abetted, counseled,  
12 commanded, induced or procured the commission of that offense,  
13 or that you willfully caused some act to be done, which, if it  
14 was directly performed by you or someone else, would constitute  
15 the above-described offense.

16 Do you understand those elements?

17 **THE DEFENDANT:** Yes, I understand.

18 **THE COURT:** Now, as to the charge in the bill of  
19 information, how do you plead?

20 **THE DEFENDANT:** Guilty.

21 **THE COURT:** And are you sure about that?

22 **THE DEFENDANT:** Yes, yes, guilty.

23 **THE COURT:** All right. You earlier made some  
24 comments about the offense. Have you since had an opportunity  
25 to talk with Mr. Broadie?

1           **THE DEFENDANT:** Yes, I have spoken with him, yes.

2           **THE COURT:** All right. Did you have some  
3 misunderstanding before when you answered my questions, that  
4 is, before you have just now answered them?

5           **THE DEFENDANT:** No, it's fine.

6           **THE COURT:** All right. Are you pleading guilty to  
7 both of these offenses because you are, in fact, guilty of both  
8 of these offenses?

9           **THE DEFENDANT:** Yes, Your Honor.

10          **THE COURT:** Are you sure?

11          **THE DEFENDANT:** Yes, Your Honor.

12          **THE COURT:** Do you understand that by pleading guilty  
13 that you are admitting the elements of each of these offenses?

14          **THE DEFENDANT:** Yes, Your Honor.

15          **THE COURT:** All right. I am going to find that in  
16 Case 1:13CR337-1 and 1:14CR4-1, United States of America versus  
17 Ider Vazquez Matos, that the defendant is fully competent and  
18 capable of entering an informed plea and that he understands  
19 the nature of the charges against him and the consequences of  
20 his plea, and that his plea of guilty is knowing and voluntary.

21                 All right. Now, the government I believe is  
22 withholding the factual basis; is that right?

23          **MS. HAIRSTON:** Yes, Your Honor. We would ask the  
24 Court to consider the offense conduct that will be in the  
25 presentence report.

1           **THE COURT:** All right. The next step then,  
2 Mr. Matos, is for the U.S. Probation Office to prepare a  
3 written presentence report in your case. You will be asked to  
4 provide information for the report, and Mr. Broadie may be  
5 present for your interview.

6           You will be given the opportunity to review the  
7 presentence report, and you and Mr. Broadie can file any  
8 objections to it if you have any. Keep in mind, the government  
9 has the same opportunity. If there are any objections that are  
10 not resolved by the time of your sentencing hearing, then I  
11 will resolve the objections at your sentencing hearing and then  
12 proceed to determine a sentence in your case.

13           You will have the opportunity to speak at your  
14 sentencing hearing, if you wish to, but you are not required to  
15 do that; and Mr. Broadie may speak on your behalf throughout  
16 the proceeding.

17           The Court directs that a written presentence report  
18 be prepared. Sentencing is set for Friday, May 16, 2014,  
19 2:00 p.m. That will be here in Winston-Salem in Courtroom  
20 Number 2.

21           Anything further I need to address on this matter?

22           **MR. BROADIE:** No, Your Honor.

23           **MS. HAIRSTON:** No, sir.

24           **THE COURT:** All right. We'll be in recess then.

25           (END OF PROCEEDINGS AT 11:55 A.M.)


1 UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF NORTH CAROLINA

3 CERTIFICATE OF REPORTER

4  
5  
6 I, Briana L. Nesbit, Official Court Reporter,  
7 certify that the foregoing transcript is a true and correct  
8 transcript of the proceedings in the above-entitled matter.

9  
10 Dated this 10th day of September 2014.

11  
12 

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14 Briana L. Nesbit, RPR  
15 Official Court Reporter  
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